

Before the
U.S. DEPARTMENT OF COMMERCE

United States Patent and Trademark Office)	
National Telecommunications and)	
Information Administration)	
)	Docket No.
Request for Comments on Copyright Policy,)	100910448-0448-01
Creativity, and Innovation in the)	
Internet Economy)	
)	
Notice of Inquiry)	
)	

COMMENTS OF SESAC, INC.

SESAC, Inc. (“SESAC”) respectfully submits the following Comments in response to the Request for Comments on Copyright Policy, Creativity, and Innovation in the Internet Economy, as noticed in the Federal Register, 75 Fed. Reg. 61419 (Oct. 5, 2010).

SESAC is one of the three “performing rights societies” (also known as “performing rights organizations,” or “PROs”) expressly recognized under the Copyright Act. SESAC represents the creators and owners of nondramatic musical works (the statutory term for what are commonly referred to as songs) through music licensing, royalty collection, and distribution services. Established in 1930, SESAC is the second oldest PRO in the United States and one of the fastest growing PROs in the world, representing more than a quarter of a million copyrights on behalf of its many thousands of affiliated songwriters, composers, and music publishers. SESAC is a privately held company, as are the vast majority of its affiliated music publishers including many songwriter-owned publishing companies.

The public performance of songs is so ubiquitous that individual composers and publishers generally cannot effectively oversee the licensing of their songs to large numbers of potential music users such as restaurants, hotels, nightclubs, dance studios, concert venues, shopping centers, retail establishments, in addition to online music providers. By the same token, those music users cannot effectively or efficiently obtain individual licenses for the large number of songs that they perform. Thus, PROs such as SESAC take on the important role of protecting such rights on behalf of their affiliated composers and music publishers.

Through reciprocal agreements, SESAC authorizes PROs in other countries to represent the rights of its affiliated songwriters, composers, and music publishers in a

given territory. Likewise, the affiliates of those foreign PROs may authorize SESAC to represent their public performing rights in this country. Through these reciprocal agreements with foreign PROs, the music created by SESAC's affiliates is provided to entertain millions of people around the world.

SESAC acknowledges the dual policy imperative identified by the Internet Policy Task Force: to combat online copyright infringement more effectively, on the one hand, and to sustain innovative uses of information and information technology, on the other hand. SESAC submits these comments to acknowledge and applaud legislative efforts to promote online innovation and intellectual property protection, including recently introduced S. 3804, the Combating Online Infringement and Counterfeits Act ("COICA").

The livelihoods of creators and owners of musical compositions are directly and adversely affected by the prolific online infringement and piracy that this bill is intended to combat. SESAC believes that passage of COICA will serve to promote both policy imperatives noted by the Task Force. While protecting the copyrights of its affiliated songwriters and music publishers, SESAC also strongly supports First Amendment freedom of expression on the Internet. Despite the purported tension between freedom of expression and copyright protection perceived by certain groups, both Constitutionally guaranteed rights serve to encourage the free flow of ideas in public discourse. SESAC believes that COICA strikes the correct balance between protecting the right to be remunerated for one's creativity, on the one hand, and protecting the right to express oneself in the marketplace of ideas, on the other hand. SESAC will continue to support efforts by the Federal Government to promote creativity and innovation in the Internet economy.

SESAC appreciates the opportunity to present these comments.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Pat Collins", is written over a horizontal line.

Pat Collins
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